

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBIN ZABLUDOFF,

Plaintiff,

-against-

KENNETH MROCZEK, M.D.,

Defendant.

Case No:

COMPLAINT

Plaintiff herein demands a jury trial.

Plaintiff, by her attorneys, PODLOFSKY HILL ORANGE & MODZELEWSKI, LLP,
complaining of the defendant, allege upon information and belief as follows:

JURISDICTION AND VENUE

1. This action is brought pursuant to the laws of the State of New York
2. This court has diversity jurisdiction pursuant to 28 U.S.C. §1332(a).
3. Venue is based pursuant to 28 U.S.C. §1391(a)(1).

PARTIES

4. Defendant an orthopedic surgeon licensed to practice medicine in the State of New York and maintains an office at 530 First Avenue, Suite 5D, County of New York, State of New York.
5. Plaintiff, ROBIN ZABLUDOFF, is a citizen of the United States and resident of the State of New Jersey, and resides at 1910 Harmon Cove Tower, Secaucus, New Jersey, 07094.

FACTUAL ALLEGATIONS

6. That for a continuous course of treatment commencing on May 6, 2005 and ending on August 9, 2005, defendant undertook to treat plaintiff for bunion and hammertoe correction.
7. That for a continuous course of treatment commencing on May 6, 2005 and ending on August 9, 2005, defendant negligently performed medical procedures and improperly rendered medical treatment to plaintiff at defendant's place of business located at 530 First Avenue, Suite 5D, County of New York, State of New York.

AS AND FOR A FIRST CAUSE OF ACTION

8. That during a continuous course of treatment commencing on May 6, 2005 and ending on August 9, 2005, defendant negligently failed to exercise due care and failed to act in accordance with good and accepted standards of medical practice in the care, treatment and testing of the plaintiff.
9. By reason of the foregoing, the defendant breached his common law duties and, as a result of that breach, proximately caused physical, psychological and emotional injuries to the plaintiff.
10. That as a result of the defendant's negligence, the plaintiff was caused to suffer severe personal injuries including pain and suffering, and incurred expenses for future medical treatment.
11. That the injuries to the plaintiff were caused solely by the negligence of the defendant, and were in no way, whole or part, caused or contributed to by her own conduct.

AS AND FOR A SECOND CAUSE OF ACTION

12. Plaintiffs repeat, reiterate and re-allege each and every allegation and/or claim set forth in paragraphs 1 through 11 as if set forth fully at length herein.
13. That defendant herein failed to provide and obtain informed consent of ROBIN ZABLUDOFF to the treatment and procedures performed, and failed to advise, in a manner consistent with the standard of care of reasonable medical practitioners under similar circumstances, of the nature, consequences, material risks, alternatives, and complications the treatment and procedures performed, this depriving ROBIN ZABLUDOFF of an opportunity to make knowledgeable and informed decisions regarding care and treatment.
14. A reasonably prudent patient in plaintiff's position would not have consented to the treatment rendered or made the treatment decisions made, had then been provided adequate, indicated, proper and appropriate informed consent.
15. That as a result of the foregoing, plaintiff was deprived of the opportunity to make knowledgeable and informed decisions regarding care and treatment, causing injury.

PRAYER FOR RELIEF

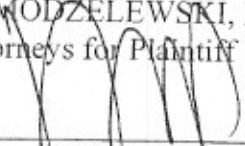
WHEREFORE, plaintiffs demand judgment as follows:

- a) awarding Plaintiffs compensatory damages in amounts to be determined at trial, in an amount not less than \$1,000,000.00, together with attorneys' fees, interest and costs; and
- b) such other and further relief as this Court deems just and proper.

Dated: Great Neck, New York
January 4, 2008

Yours, etc.,

PODLOFSKY HILL ORANGE
& MODZELEWSKI, LLP
Attorneys for Plaintiff

By: 
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